

JPA / ECS File No.: 06-013
AG Contract No.: KR06-0304TRN
Project No.: SR 347 PN 173.4
Project: UPRR Overpass Assessment
Section: SR 347/Union Pacific Railroad
Tracks
TRACS No.: H7007 01D
Budget Source Item No.: 70106, plus
73306 - District Minor \$100,000

INTERGOVERNMENTAL AGREEMENT

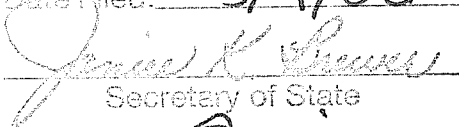
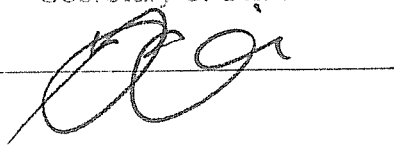
BETWEEN
THE STATE OF ARIZONA
AND
CITY OF MARICOPA

THIS AGREEMENT is entered into this date May 4th, 2006, pursuant to the Arizona Revised Statutes § 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF MARICOPA, acting by and through its MAYOR and CITY COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.
2. The City is empowered by Arizona Revised Statutes § 48-572 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the City.
3. The parties hereto agree to and acknowledge the following conditions: a) The parties shall perform their responsibilities consistent with this Agreement; and b) Any change or modification to the Project will only occur with the mutual written consent of the parties.
4. The purpose of this Agreement is to transfer a one-time lump sum amount of \$150,000.00 to the City for an Engineering Study consisting of a Feasibility Report and Environmental Overview, hereinafter referred to as the "Project". The Project will assess potential construction of a grade separation overpass on SR 347 crossing over the Union Pacific Railroad tracks for the safety and benefit of the traveling public.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO. 28217
Filed with the Secretary of State
Date Filed: 5/4/06

Secretary of State
By: 

II. SCOPE OF WORK

1. The City shall:

a. Upon execution of this Agreement, invoice the State for the one time lump sum amount, not to exceed \$150,000.00 for the Project.

b. Administer the Project, including advertising and hiring a consultant to complete the Project, including detailed cost estimates, in accordance with ADOT standards, policies, procedures and design guidelines. Incorporate or resolve State review comments.

c. Be responsible for any cost increases or delays, for whatever reason, in excess of the State contribution of \$150,000.00.

2. The State shall:

a. Upon execution of this Agreement and within thirty-days (30) upon receipt and approval of an invoice from the City, remit to the City a one-time lump sum amount, not to exceed \$150,000.00 for the Project.

b. Review the Project and other such supporting documents, including detailed cost estimates, and provide comments as necessary.

III. MISCELLANEOUS PROVISIONS

1. The terms, conditions and provisions of this Agreement shall remain in full force and effect until completion of said Project. Either party may cancel this Agreement at any time prior to the award of a consulting contract, upon thirty-days (30) written notice to either party. It is understood and agreed that, in the event the City cancels this Agreement, the State shall in no way be obligated to maintain said Project.

2. Each party (as "Indemnitor") agrees to indemnify, defend, save and hold harmless the other party (as "Indemnitee") from and against any and all claims, losses, liability, costs, or expenses including reasonable attorneys' fees, hereinafter collectively referred to as ("claims"), arising out of bodily injury of any person, including death or property damage, but only to the extent that such claims which result in vicarious/derivative liability to the Indemnitee, are caused by the act, omission, negligence, misconduct, or other fault of the Indemnitor, its officers, officials, agents, employees or volunteers.

3. The State assumes no financial obligation or liability under this Agreement, nor for any resulting construction project, other than those obligations and funding liabilities specifically set forth in this Agreement. It is understood and agreed that the State's participation is confined solely to that set forth under this Agreement.

4. This Agreement shall become effective upon filing with the Secretary of State.

5. This Agreement may be cancelled in accordance with Arizona Revised Statutes § 38-511.

6. The provisions of Arizona Revised Statutes § 35-214 are applicable to this Agreement.

7. In the event of any controversy, which may arise out of this Agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes § 12-1518.

8. All notices or demands upon any party to this Agreement shall be in writing and shall be delivered in person or sent by mail, addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 S. 17th Avenue, Mail Drop 616E
Phoenix, Arizona 85007
(602) 712-7525
(602) 712-7424 Fax

City of Maricopa
Attn: Brent Billingsley, Transportation
Manager
P.O. Box 610
Maricopa, Arizona 85239
520-568-9098, ext. 253
520-568-9120 Fax

9. This Agreement is subject to all applicable provisions of the Americans with Disability Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable Federal regulations under the Act, including 28 CFR Parts 35 and 36. The parties to this Agreement shall comply with Executive Order Number 99-4 issued by the Governor of the State of Arizona and incorporated herein by reference regarding "Non-Discrimination".

10. Non-Availability of Funds: Every payment obligation of the State under this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligations. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the State at the end of the period for which the funds are available. No liability shall accrue to the State in the event this provision is exercised as a result of termination under this paragraph.

11. In accordance with Arizona Revised Statutes § 11-952 (D) attached hereto and incorporated herein is the written determination of each party's legal counsel and that the parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

~~CITY OF MARICOPA~~

By 

KELLY ANDERSON
Mayor

STATE OF ARIZONA

Department of Transportation

By 

DOUGLAS A. FORSTIE, P.E.
Deputy State Engineer, Operations

ATTEST:

By 

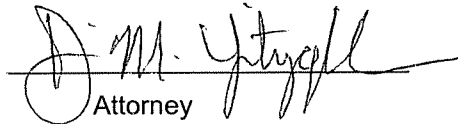
RICK BUSS
City Manager/Clerk

ATTORNEY APPROVAL FORM FOR THE CITY OF MARICOPA

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the City of Maricopa, an Agreement among public agencies which, has been reviewed pursuant to A.R.S. § 11-951 through § 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this 12th day of April, 2006.


Attorney



Meeting Minutes

Regular Meeting February 7, 2006

7:17 PM
Call to Order
Roll Call

A regular meeting of the City of Maricopa Council was held at Maricopa High School (45012 West Honeycutt Avenue – Maricopa, AZ 85239). The meeting was called to order at 7:17 pm. Those present were Mayor Kelly Anderson, Vice-Mayor Brent Murphree, Councilmembers Stephen Baker, Will Dunn, Joseph Estes, Edward Farrell, Kelly Haddad, City Attorney Denis Fitzgibbons, City Manager Rick Buss, PRL Director Marty McDonald, Finance Director Roger Kolman, Deputy Clerk Vanessa Bueras, Management Assistant Paul Jepson, Planning Director Amy Haberbosch-Arco, Transportation Manager Brent Billingsley and Recreation Coordinator Maria Billingsley.

Invocation
Pledge of Allegiance
Approval of Minutes

Vice-Mayor Murphree delivered the invocation.
Councilmember Haddad led meeting attendees in the pledge of allegiance.
Councilmember Dunn motioned to approve minutes from the January 17, 2006 City of Maricopa City Council Work Session, the January 17, 2006 City of Maricopa City Council Regular Meeting and the January 17, 2006 City of Maricopa City Council Executive Session Meeting. Second was made by Councilmember Baker. Motion passed unanimously, 7-0.

Consent

The City Council discussed and took action on consent agenda items 7.1 through 7.4. Consent agenda items were as follows:

- 7.1 ****Budgetary Transfer.** The City Council shall discuss and possibly take action on approving a budgetary transfer of \$25,672.50 from professional and technical service to personal services in the City Magistrate's Department, termination of personal services contracts for court clerks and first amendment to the personal services contract for City Magistrate. **Discussion & Action.**
- 7.2 ****Contract Amendment.** The City Council shall discuss and possibly take action on approving an amendment to the City's contract for Law Enforcement Services with the Pinal County Sheriff's Office. **Discussion & Action.**
- 7.3 ****Payment of Claims.** The City Council shall discuss and take action on approving the payment of claims for December 2005 and January 2006. **Discussion & Action.**
- 7.4 ****Emergency Purchases Declaration.** The City Council shall discuss and possibly take action on a request made by Finance Director Kolman to approve purchases made by staff under an emergency purchasing declaration made by Mayor Anderson. **Discussion & Action.**

Councilmember Baker motioned to approve consent agenda item 7.1 through 7.4. Second was made by Councilmember Haddad. Motion passed unanimously, 7-0.

**Agenda Item 5.5: Pinal County
Sheriff Deputies**

The City Council discussed a request filed by Pinal County Sheriff Vasquez to introduce, to the Citizens, Staff and Council, recently hired Pinal County Sheriff Deputies.

Sheriff Vasquez introduced some of the newest members of the Maricopa unit. They include Juan Sanchez, Nick, Ryan (get names from Scott)



Meeting Minutes

Agenda Item 5.6: Special Event Permit: Maricopa Vendor Expo

The City Council shall discuss a request by Gina Segarra to hold an event, Maricopa Vendor Expo, on Saturday, March 25, 2006, from 9:00am to 5:00 pm.

Councilmember Farrell asked applicant Gina Segarra where this event was going to take place. Ms. Segarra stated that it was going to take place at Pima Butte Elementary School located at 42202 W. Rancho El Dorado Parkway, Maricopa, AZ 85239. There were no other questions or comments.

Councilmember Dunn motioned to approve agenda item 5.6. Second was made by Councilmember Farrell. Motion passed unanimously, 7-0.

Agenda Item 5.7: Planning & Zoning Commission

The City Council shall discuss and possibly take action on reappointing Dale Jones and Marquisha Griffin to the Planning & Zoning Commission.

There were no questions or comments from Council.

Councilmember Estes motioned to reappoint Dale Jones and Marquisha Griffin to the Planning & Zoning Commission. Second was made by Councilmember Haddad. Motion passed unanimously, 7-0.

Agenda Item 5.9: SPR 05.25

Gilleland Brubaker Architects are requesting site plan approval for the proposed Alterra North Elementary School, a 76,500 square foot single story elementary school to reside on a twelve (12) acre site. This property lies within the residential development of Alterra, on the North West corner of Bowlin Rd and Alterra Parkway, there is currently no physical address for this property.

Planning Director Amy Haberbosch-Arco presented the agenda item.

Todd Brubaker architect for the project spoke. He presented the site plan to Council. He stated that the school will house students from Kindergarten to sixth grade. He stated that the school will house eight hundred and fifty (850) students, will be approximately seventy six thousand five hundred (76,500) square feet and will have one hundred and forty (140) parking spaces. He stated that they are currently forty (40) parking spaces short of what the Parking Ordinance requires. Planning Director Amy Haberbosch-Arco stated that they are asking the applicant that they work with the City to fulfill the parking requirements. Councilmember Estes stated that if the school lacks the parking spaces it's going to create a hazard if there's a main event at the school and citizens have to park on Bowling Rd. because this will be a major intersection. There was general discussion.

Councilmember Farrell asked Mr. Brubaker what the parking scale of the current schools is. Mr. Brubaker stated that the current schools have approximately seventy five (75) to eighty (80) parking spaces but that they are smaller in size. He stated that school facilities board requires that they have one (1) parking space per classroom and one (1) parking space per two hundred (200) square feet of administrative area for the Principal and other administrative staff.

Councilmember Baker asked if the school was going to have hypoallergenic grass. Planning Director Amy Haberbosch-Arco stated that one of the stipulations imposed by the City states that the applicant has to put hypoallergenic grass understanding that SFB does not pay for this. City Manager Buss stated that SFB will only pay for certain things and that's why the school have a fund that will pay for things like this from impact fees.

Councilmember Baker motioned to approve SPR 05.25 with staff's stipulations. Second was made by Councilmember Haddad. Motion passed unanimously, 7-0.



Meeting Minutes

Agenda Item 5.8: Strategic Plan for Law Enforcement Services

The City Council shall discuss and take action approving the strategic plan for law enforcement services in the City of Maricopa prepared by Carroll Buracker & Associates Inc

Councilmember Dunn asked Mr. Buracker what the key to keeping crime low was in his opinion. Mr. Buracker stated that a lot of it is a socioeconomic factor and not a matter of how many officers the city has.

Councilmember Haddad motioned to approve the strategic plan for law enforcement services and directed staff to bring a contract and Request for Proposal (RFP) to Council during the 02/21/06 meeting. Second was made by Councilmember Haddad. Motion passed unanimously, 7-0.

Agenda Item 5.10: SUB 05.51

Pulte Homes is requesting a subdivision of Senita Unit 3, which is a portion of the original Maricopa Groves Master Planned Community. Consisting of 143.73 acres and 491 dwelling units, this subdivision is located at Honeycutt Road and The Santa Rosa Wash Alignment adjacent to Maricopa-Casa Grande Highway. The site was zoned by Pinal County Planning cases (PZ-001-03) and (PZ-PD-001-03) with the zoning designation of "CR-3" (Single Residence Zone).

Planning Director Amy Haberbosch-Arco presented the agenda item.

Transportation Manager Brent Billingsley asked Council to keep in mind that there's going to be a study done that will determine what improvements will be needed on the Maricopa-Casa Grande Highway. Councilmember Farrell stated that twenty (20) years down the road the bridge located at the Santa Rosa Wash Alignment on the Maricopa- Casa Grande Highway will have to be expanded and he's not sure if there's going to be sufficient right of way. Mr. Billingsley stated that certain areas on the Maricopa-Casa Grande Highway have more right of way than others and that when the project assessment takes place it will determine how much right of way there is.

Mauricio Lacuelli with RBF Consulting spoke stating that when they originally submitted this project to the county they were not required to widen the bridge or do any other improvements to the bridge. There was general discussion.

Planning Director Arco stated that she would recommend that the wording to stipulation number nine (9) which states: Improvements to Maricopa/Casa Grande Highway shall be in conformance with the Maricopa Small Area Transportation Plan **as approved** by the City of Maricopa Public Works Department and provided by the developer" be changed to "**or as approved** by the City of Maricopa Public Works Department".

There was general discussion as to lack of lighting in the residential streets.

Councilmember Estes motioned to approve SUB 05.51 with correction to stipulation number nine (9) mentioned above and also add a stipulation stating that the homes have coach lights with automatic sensors. Second was made by Councilmember Dunn. Motion passed unanimously, 7-0.

Agenda Item 5.11: Project Assessment IGA

The City Council shall discuss and possibly take action on approving an Intergovernmental Agreement (IGA) between the State of Arizona and the City of Maricopa to prepare a "project assessment" for the construction of a grade separation at the Union Pacific Railroad / State Route 347 intersection.

Transportation Manager Brent Billingsley presented the agenda item. He stated that the study will look at cost and what type of environmental concerns there might be with building either an overpass or underpass for the railroad. He stated that the project usually takes a minimum of eight (8) years to complete and once the design is



Meeting Minutes

Agenda Item 5.12: Gila River Indian Community State Shared Revenue Program

complete construction will take place. He stated that ADOT will provide one hundred and fifty thousand dollars (\$150,000) towards the study and the city will also provide one hundred and fifty thousand dollars (\$150,000). He stated that a Request for Statement of Qualifications (RFQ) for engineering services is currently open and will close on February 17, 2006 at 2:00 pm.

Councilmember Dunn motioned to approve agenda item 5.11. Second was made by Councilmember Baker. Motion passed unanimously, 7-0.

The City Council shall discuss and possibly take action on a request by Grants Coordinator Mary Eick to apply to Gila River Indian Community State Shared Revenue Program/ Proposition 202 for funding for one motorcycle police officer and their equipment for one year in the amount of \$118,930.

Finance Director Kolman requested that this item be pulled from tonight's agenda.

Agenda Item 5.13: Proclamation

The City Council shall discuss and possibly take action on approving a request by Grants Coordinator Mary Eick to approve a Proclamation supporting the Million Penny Campaign through the United Way of Pinal County (UWPC). Kathy Nyetrae, Director of Resource Development with UWPC, will be available to answer questions.

Kathy Nyetrae spoke stating that the program will help fund programs within Pinal County. Mayor Anderson read the Proclamation for the meeting attendees.

Agenda Item 8.0: Report from the Mayor

Mayor Anderson stated that the City Manager Task Force on Education had a meeting on February 6, 2006 and had a great turnout. He stated that comments and questions asked at the meeting will be posted on the city's website as well as the Maricopa Unified School District's website.

Mayor Anderson stated that he was asked to be a judge during the 43rd Annual Pinal County Spelling Bee. Mayor Anderson congratulated the contestants representing Maricopa.

Agenda Item 9.0: Call to the Public

Supervisor David Snyder spoke stating that he's pleased to inform the public that they are working on transportation issues throughout Pinal County including Maricopa.

Agenda Item 10.0: Executive Session 8:58 pm

Councilmember Haddad motioned to go into Executive Session. Second was made by Councilmember Baker. Motion passed unanimously, 7-0.

Agenda Item 11.0: Adjournment 9:25 PM

Councilmember Haddad motioned to adjourn. Second was made by Vice Mayor Murphree. Motion passed unanimously, 7-0.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Maricopa City Council held on the 7th day of February, 2006. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 21st day of February 2006

see next page

Vanessa Bueras, Deputy Clerk



Meeting Minutes

is complete, construction will take place. He stated ADOT will provide 100% funding.

	<p>and fifty thousand dollars (\$150,000) towards the study and the city will also provide one hundred and fifty thousand dollars (\$150,000). He stated that a Request for Statement of Qualifications (RFQ) for engineering services is currently open and will close on February 17, 2006 at 2:00 pm.</p> <p>Councilmember Dunn motioned to approve agenda item 5.11. Second was made by Councilmember Baker. Motion passed unanimously, 7-0.</p>
Agenda Item 5.12: <u>Gila River Indian Community State Shared Revenue Program</u>	<p>The City Council shall discuss and possibly take action on a request by Grants Coordinator Mary Eick to apply to Gila River Indian Community State Shared Revenue Program/ Proposition 202 for funding for one motorcycle police officer and their equipment for one year in the amount of \$118,930.</p> <p>Finance Director Kolman requested that this item be pulled from tonight's agenda.</p>
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Agenda Item 9.0: <u>Call to the Public</u>	<p>Supervisor David Snyder spoke stating that he's pleased to inform the public that they are working on transportation issues throughout Pinal County including Maricopa.</p>
Agenda Item 10.0: <u>Executive Session</u> 8:58 pm	<p>Councilmember Haddad motioned to go into Executive Session. Second was made by Councilmember Baker. Motion passed unanimously, 7-0.</p>
Agenda Item 11.0: <u>Adjournment</u> 9:25 PM	<p>Councilmember Haddad motioned to adjourn. Second was made by Vice Mayor Murphree. Motion passed unanimously, 7-0.</p>


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Dated this 21st day of February 2006

Vanessa Bueras

Vanessa Bueras, Deputy Clerk



<p>TERRY GODDARD Attorney General</p>	 <p>OFFICE OF THE ATTORNEY GENERAL STATE OF ARIZONA</p>	<p>CIVIL DIVISION TRANSPORTATION SECTION Writer's Direct Line: 602.542.8855 Facsimile: 602.542.3646 E-mail: Susan Davis@azag.gov</p>
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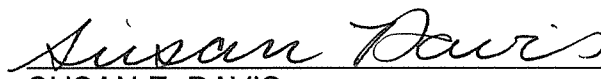
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR06-0304TRN (**JPA 06-013**), an Agreement between public agencies, i.e., The State of Arizona and City of Maricopa, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: April 25, 2006

TERRY GODDARD
Attorney General


SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

SED:mjf:957719
Attachment